

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

ROBERT WAYNE PRINCE,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-2317

ADMINISTRATOR CRAWFORD, Western Regional Jail;  
COUNSELOR STEPP, Western Regional Jail;  
C.O. DANA TURLEY, Western Regional Jail,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the allegations against Executive Director David Farmer be dismissed on initial screening, (ECF No. 39 at 9); Defendants' Motion to Dismiss Prince's Amended Complaint, (ECF No. 43), be granted, in part, and denied, in part, as follows. Prince's claims for non-monetary relief, his claims against the defendants in their official capacity, and his claims relating to the grievance process should be dismissed, with prejudice. Given that the statute of limitations may not yet have expired, Prince's remaining claims for money damages against the defendants in their personal capacity relating to access to courts, disciplinary measures taken against him, retaliation, recreation area, the lack of a locker bay in his cell, his dining utensil and inability to sanitize his cup, and lack of contact visits should be dismissed, without prejudice. Lastly, Prince's claims alleging excessive force due to full body restraints and his allegations of cruel and usual punishment due to the

conditions of his cell should not be dismissed at this stage of the proceedings. Prince should be granted leave to develop these claims and identify which of the defendants allegedly committed the violations.

Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the allegations against Executive Director David Farmer be **DISMISSED** on initial screening, (ECF No. 39 at 9); Defendants' Motion to Dismiss Prince's Amended Complaint, (ECF No. 43), be **GRANTED, in part, and DENIED, in part**, as follows. Prince's claims for non-monetary relief, his claims against the defendants in their official capacity, and his claims relating to the grievance process are **DISMISSED, with prejudice**. Given that the statute of limitations may not yet have expired, Prince's remaining claims for money damages against the defendants in their personal capacity relating to access to courts, disciplinary measures taken against him, retaliation, recreation area, the lack of a locker bay in his cell, his dining utensil and inability to sanitize his cup, and lack of contact visits are **DISMISSED, without prejudice**. Lastly, Prince's claims alleging excessive force due to full body restraints and his allegations of cruel and usual punishment due to the conditions of his cell are not dismissed at this stage of the proceedings. Prince is granted leave to develop these claims and identify which of the defendants allegedly committed the violations, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 13, 2017

  
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ROBERT C. CHAMBERS, CHIEF JUDGE